

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:
All Actions

**DECLARATION OF
DEBORAH E. LEWIS IN SUPPORT
OF DEFENDANTS'
MEMORANDUM IN OPPOSITION
TO PLAINTIFFS' MOTION
SEEKING *IN CAMERA* REVIEW OF
TEN DOCUMENTS WITHHELD
UNDER CLAIMS OF PRIVILEGE**

I, DEBORAH E. LEWIS, do declare and state the following:

1. I am an attorney at the law firm of Blackwell Burke P.A., and one of the attorneys representing 3M Company and Arizant Healthcare, Inc. (hereinafter "Defendants") in this litigation. I submit this declaration in support of Defendants' Memorandum in Opposition to Plaintiffs' Motion Seeking *In Camera* Review of Ten Documents Withheld Under Claims of Privilege ("hereinafter "Motion").

2. Unless otherwise stated, all of the facts in this Declaration are based on my personal knowledge, information and belief.

3. Andrew Chen and Dave Eaton are 3M employees whose technical expertise and assistance 3M's in-house counsel, Maureen Harms, sought out and requested in 2015 in consultation with and in connection with the defense of two lawsuits filed against 3M in Texas and Kansas. For their work performed under Ms.

Harms' direction and control, Mr. Chen and Mr. Eaton (including the consulting expert team) served solely as consulting agents/experts. 3M will not call either Mr. Chen or Mr. Eaton as fact or expert witnesses at the time of trial in this litigation.

4. Plaintiffs challenge ten documents (email chains) in their Motion. Of the ten documents (email chains), nine involve confidential communications between 3M's outside litigation counsel, Greenberg Traurig, 3M's in-house counsel, Maureen Harms, and Andy Chen and/or Dave Eaton (including a few select 3M employees who were part of the consulting expert team) concerning defense strategy, thoughts, logistics and mental impressions in connection with the work Ms. Harms requested and directed for the defense of the Kansas and Texas cases. The remaining document (email chain with an attachment) involves confidential communications between Ms. Harms and Mr. Chen, Mr. Eaton and other consulting expert team members concerning work product requested at Ms. Harms' direction in the defense of these lawsuits. Neither email nor attachment has been provided to Dr. Abraham, Defendants' expert witness, and Dr. Abraham has not seen, reviewed, and thus not relied on, any of the ten documents at issue.

5. The "Chen" report Plaintiffs reference in Plaintiffs' Motion Seeking *In Camera* Review of Ten Documents Withheld Under Claims of Privilege was produced to Plaintiffs on or about November 1, 2016.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 12, 2018

s/ Deborah E. Lewis
Deborah E. Lewis